



COUNTY OF LOS ANGELES

DEPARTMENT OF PUBLIC WORKS

"To Enrich Lives Through Effective and Caring Service"

900 SOUTH FREMONT AVENUE
ALHAMBRA, CALIFORNIA 91803-1331
Telephone: (626) 458-5100
<http://dpw.lacounty.gov>

GAIL FARBER, Director

ADDRESS ALL CORRESPONDENCE TO:
P.O. BOX 1460
ALHAMBRA, CALIFORNIA 91802-1460

June 09, 2010

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, California 90012

Dear Supervisors:

ADOPTED

BOARD OF SUPERVISORS
COUNTY OF LOS ANGELES

#19 JUNE 22, 2010

Sachi A. Hamai
SACHI A. HAMAI
EXECUTIVE OFFICER

**REJECT BIDS, ADOPT, READVERTISE, AND AWARD
CONSTRUCTION OF RIGHT-OF-WAY FENCE
FENCE INSTALLATION AT VARIOUS LOCATIONS
ADJACENT TO UNION PACIFIC RAILROAD RIGHT OF WAY
IN THE UNINCORPORATED COMMUNITIES OF EAST SAN GABRIEL,
FLORENCE, AND WILLOWBROOK
(SUPERVISORIAL DISTRICTS 1, 2, AND 5)
(3 VOTES)**

SUBJECT

This action is to reject all bids received on February 9, 2010, for the construction of fencing along Union Pacific Railroad right of way in the unincorporated communities of East San Gabriel, Florence, and Willowbrook; adopt the revised plans and specifications; call for bids; and authorize the Director of Public Works or her designee to award, execute, and implement a contract with the apparent responsible contractor with the lowest responsive bid.

IT IS RECOMMENDED THAT YOUR BOARD:

1. Reject all bids received on February 9, 2010.
2. Approve the project and adopt the revised plans and specifications for Fence Installation at Various Locations Adjacent to Union Pacific Railroad Right of Way, construction of right-of-way fence, in the unincorporated communities of East San Gabriel, Florence, and Willowbrook, at an estimated cost between \$725,000 and \$975,000.
3. Call for bids to be received on July 8, 2010.

4. Instruct the Executive Officer of the Board of Supervisors to readvertise the project and seal and return the plans and specifications to the Department of Public Works for filing.
5. Authorize the Director of Public Works or her designee to award, execute, and implement a contract with the apparent responsible contractor with the lowest responsive bid within the estimated cost range, approve the Faithful Performance and Labor and Material bonds and insurance submitted by the contractor, and deliver the project.

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

The purpose of the recommended actions is to obtain approval from the County of Los Angeles Board of Supervisors (Board) to reject bids received on February 9, 2010; adopt revised plans and specifications; readvertise for bids; and authorize the Director of Public Works (Director) or her designee to award, execute, and implement a contract with the apparent responsible contractor with the lowest responsive bid for the construction of fence along Union Pacific Railroad right of way.

Implementation of Strategic Plan Goals

The Countywide Strategic Plan directs the provisions of Operational Effectiveness (Goal 1) and Community and Municipal Services (Goal 3). The recommended actions will help meet these goals by providing improved safety facilities for pedestrians and help reduce dumping of rubbish, which will benefit the community.

FISCAL IMPACT/FINANCING

There will be no impact to the County General Fund.

The estimated construction contract cost to complete this project is in the range of \$725,000 to \$975,000. The Department of Public Works (Public Works) has received a Solid Waste Disposal and Codisposal Site Cleanup Grant to finance 50 percent of qualifying costs up to a maximum amount of \$750,000 made available by the California Department of Resources Recycling and Recovery. The remaining construction contract cost will be financed with Proposition A Local Return Transit funds. This project is included in the First (28.47 percent), Second (70.53 percent), and Fifth (1 percent) Supervisorial Districts' Proposition A Local Return Transit Programs included in the Fiscal Year 2010-11 Proposed Transit Enterprise Fund Budget.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

In an effort to maximize utilization of the grant funding for this project, a unique structure for defining the scope of work was developed and used in the bid documents. On February 9, 2010, 15 bids were received and several of them were determined to be nonresponsive. An investigation revealed that many of the bidders misunderstood the scope of work. Therefore, rejecting this bid, modifying the bid documents, and readvertising the project with a bid structure more consistent with current industry practices are in the best interest of the County of Los Angeles (County) to ensure competitive bids.

This project, to contract for the construction of fencing along Union Pacific Railroad right of way, is part of Public Works' program for the construction and repair of safety items and protective measures. It will be readvertised in accordance with Section 20392 of the State Public Contract Code.

This project is to be completed in 80 working days. It is estimated the work will start in September 2010 and be completed in December 2010.

Delegating to the Director or her designee the authority to award, execute, and implement this construction contract allows an expedited contracting process to obtain a contractor for this project.

The contract agreement will be in the form previously reviewed and approved as to form by County Counsel.

The award of the contract will not result in unauthorized disclosure of confidential information and will be in full compliance with Federal, State, and County regulations. The project specifications contain provisions requiring the contractor to comply with terms and conditions supporting your Board's ordinances, policies, and programs including, but not limited to: the County's Greater Avenues for Independence and General Relief Opportunities for Work Programs (GAIN and GROW), Board Policy No. 5.050; Contract Language to Assist in Placement of Displaced County Workers, Board Policy No. 5.110; Reporting of Improper Solicitations, Board Policy No. 5.060; Notice to Contract Employees of Newborn Abandonment Law (Safely Surrendered Baby Law), Board Policy No. 5.135; Contractor Employee Jury Service Program, Los Angeles County Code, Chapter 2.203; Notice to Employees Regarding the Federal Earned Income Credit (Federal Income Tax Law, Internal Revenue Service Notice 1015); Contractor Responsibility and Debarment, Los Angeles County Code, Chapter 2.202; the County's Child Support Compliance Program, Los Angeles County Code, Chapter 2.200; the County's Defaulted Property Tax Reduction Program Ordinance, Los Angeles County Code, Chapter 2.206; and the standard Board-directed clauses that provide for contract termination or renegotiation.

The State Public Contract Code requires the County to award construction contracts to a responsible contractor with the lowest responsive bid, which is defined as the firm that: (1) submits the bid with the lowest cost; (2) is deemed by the County to be responsive to specific criteria under the solicitation including, but not limited to, licensure, bonding, and insurance requirements; and (3) is determined by the County to be a responsible bidder by exhibiting the capability, capacity, experience, trustworthiness, and financial wherewithal to perform the work required under the bid solicitation.

To ensure that the contract is awarded to a responsible contractor with a satisfactory history of performance, bidders are required to report violations of the False Claims Act, criminal convictions, civil litigation, defaulted contracts with the County, complaints filed with the Contractor's State License Board, labor law/payroll violations, and debarment actions. As provided for in Board Policy No. 5.140, the information reported by the contractor will be considered before making a recommendation to award.

The plans and specifications include the contractual provisions, methods, and material requirements necessary for this project and are on file with Public Works.

ENVIRONMENTAL DOCUMENTATION

On August 29, 2006, Agenda Item 52, your Board found this project categorically exempt from the provisions of the California Environmental Quality Act.

CONTRACTING PROCESS

This project will be contracted on an open-competitive bid basis. The award by the Director or her designee will be made after review of the bids and determination of the responsible contractor with the lowest responsive bid meeting the criteria established by your Board and the State Public Contract Code.

To increase contractor awareness of Public Works' program to contract work out to the private sector, this project will be listed on the County website for upcoming bids.

IMPACT ON CURRENT SERVICES (OR PROJECTS)

When the project is completed, it will have a positive impact by providing improved safety facilities for pedestrians and reduced dumping of rubbish, which will benefit the community.

CONCLUSION

Please return one adopted copy of this letter to Public Works, Construction Division.

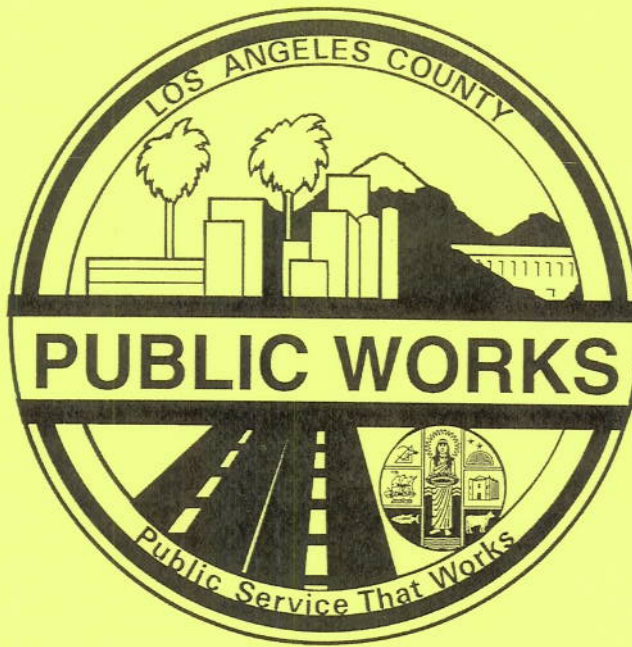
Respectfully submitted,

A handwritten signature in cursive script that reads "Gail Farber".

GAIL FARBER
Director

GF:JTS:lg

c: Chief Executive Office (Lari Sheehan)
County Counsel
Executive Office
Office of Affirmative Action Compliance



NOTICE INVITING BIDS,

FILED
BOARD OF SUPERVISORS

SPECIAL PROVISIONS,

19 of 6-22-10

DATE

AND

SAMPLE AGREEMENT

SACHI A. HAMAI
EXECUTIVE OFFICER AND
CLERK OF THE BOARD OF SUPERVISORS

By  Deputy

FOR


PROJECT ID NO. RDC0014981

FENCE INSTALLATION AT VARIOUS LOCATIONS
ADJACENT TO UNION PACIFIC RAILROAD RIGHT OF WAY

(READVERTISE)

Approved, GAIL FARBER, Director of Public Works

By


Deputy Director

5/26/10
Date